

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
CLERK

3/10/2020 11:52 am

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MICHAEL OGIDI-ABEGAJE,

Plaintiff,

-against-

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

ORDER

19-CV-5519 (JMA) (ARL)

NASSAU COMMUNITY COLLEGE,

Defendant.

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JOAN M. AZRACK, District Judge:

On September 19, 2019, *pro se* plaintiff Michael Ogidi-Abegaje (“plaintiff”) filed a complaint against Nassau Community College (“defendant”) together with an application to proceed *in forma pauperis* in the United States District Court for the Southern District of New York. By Transfer Order dated September 23, 2019, the case was transferred to this Court and, on September 30, 2019, it was assigned to the undersigned. On October 23, 2019, plaintiff filed another application to proceed *in forma pauperis*. For the reasons that follow, the applications to proceed *in forma pauperis* are denied without prejudice and with leave to renew upon completion of the AO 239 *in forma pauperis* application form. Alternatively, plaintiff may remit the \$400.00 filing fee.

Plaintiff has checked the box on the forms to indicate that he is not employed and reports that he has not received any money from any source within the last twelve (12) months. (See D.E. 1 at ¶¶ 2-3 and D.E. 7 at ¶¶ 2-3.) Plaintiff avers that he has no money in cash or in a checking or savings account and he reports no regular monthly expenses, including housing, transportation, utilities, or otherwise. However, although plaintiff provides a residential

address, he avers on the second application that he is homeless. Thus, because the responses provided by plaintiff on the *in forma pauperis* application do not permit the Court to conclude that plaintiff is qualified to proceed *in forma pauperis*, plaintiff's applications are denied without prejudice to a renewal thereof upon completion of the AO 239 *in forma pauperis* application form annexed to this Order. Under the circumstances, plaintiff can best set forth his current financial position on the long form *in forma pauperis* application (AO 239). Plaintiff is directed to either remit the \$400.00 filing fee or complete and return the enclosed *in forma pauperis* application within fourteen (14) days from the date of this Order. Plaintiff is cautioned that a failure to timely comply with this Order will lead to the dismissal of the complaint without prejudice and judgment will enter.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of Court shall mail a copy of this Order and the AO 239 *in forma pauperis* application form to the plaintiff at his last known address.

SO ORDERED.

_____/s/ (JMA)_____
Joan M. Azrack
United States District Judge

Dated: March 10, 2020
Central Islip, New York